

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MR. SIDNEY FRANCE,

Plaintiff,

-against-

NASSAU COUNTY JAIL,  
NASSUA [SIC] JAIL OFFICERS,

Defendants.  
-----X

FEUERSTEIN, District Judge:

MEMORANDUM & ORDER  
14-CV-2547(SJF)(GRB)

**FILED**  
IN CLERK'S OFFICE  
U S DISTRICT COURT E D N Y

★ JUN 20 2014 ★

**LONG ISLAND OFFICE**

On April 21, 2014, incarcerated *pro se* plaintiff Sidney France ("plaintiff") filed a complaint in this Court pursuant to 42 U.S.C. § 1983 ("Section 1983") against the Nassau County Jail ("the Jail") and unidentified "Nassua [sic] Jail Officers" ("the Jail Officers") (collectively, "defendants"), accompanied by an application to proceed *in forma pauperis*. By order dated May 6, 2014: (1) plaintiffs application to proceed *in forma pauperis* was granted; (2) his Section 1983 claims against the Jail were *sua sponte* dismissed with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) for failure to state a claim for relief; (3) his Section 1983 claims against the Jail Officers, and as construed to be against the County of Nassau ("the County"), were dismissed without prejudice and with leave to file an amended complaint against the Jail Officers and the County in accordance with Rule 8(a) of the Federal Rules of Civil Procedure and that order on or before June 9, 2014; and (4) plaintiff was advised that his failure to file an amended complaint in accordance with that order would result in (a) the dismissal of his Section 1983 claims against the Jail Officers, and as construed to be against the County, in their entirety with prejudice, and (b) the dismissal of any state law claims asserted in the

complaint without prejudice pursuant to 28 U.S.C. § 1367(c)(3). Plaintiff did not file an amended complaint in accordance with the May 6, 2014 order, nor seek an extension of time to do so. Accordingly, for the reasons set forth in the May 6, 2014 order, plaintiff's Section 1983 claims against the Jail Officers, and as construed to be against the County, are dismissed in their entirety with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) for failure to state a claim for relief and any state law claims asserted in the complaint are dismissed in their entirety without prejudice pursuant to 28 U.S.C. § 1367(c)(3). The Clerk of the Court shall close this case and, pursuant to Rule 77(d)(1) of the Federal Rules of Civil Procedure, serve notice of entry of this Order upon plaintiff in accordance with Rule 5(b) of the Federal Rules of Civil Procedure and record such service on the docket.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

**SO ORDERED.**

s/ Sandra J. Feuerstein

---

Sandra J. Feuerstein  
United States District Judge

Dated: June 20, 2014  
Central Islip, New York